

REMARKS/ARGUMENTS

The above-captioned patent application has been carefully reviewed in light of the Office Action to which the Amendment is responsive. Claims 1-14 are pending. Claims 4, 5, 11 and 12 have been determined to claim patentable subject matter, but were objected to as depending from a rejected independent claim.

Claims 1, 2 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,990,106 (Szegda) in view of U.S. Patent No. 6,802,738 (Henningsen). Claims 7 and 14 are rejected under § 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0032422 (Montena) (incorrectly referred to as Szegda) in view of Henningsen and further in view of U.S. Patent No. 3,879,102 (Horak). Claims 3, 6, 10 and 13 are rejected under § 103(a) as unpatentable over Montena in view of Henningsen and further in view of U.S. Patent No. 6,511,137 (sic 6,511,337 "Fandrey"). Claims 4 and 11 are rejected under § 103(a) as being unpatentable over Montena and Henningsen in view of Fandrey and further in view of Horak. Claims 5 and 12 have been objected to, but the Examiner has indicated that they contain allowable subject matter if rewritten in independent form. For the reasons set forth below, reconsideration is respectfully requested based on the amended claims and the following discussion.

Initially, it is noted the Montena publication (2005/0032422) is not a proper prior art reference to be applied against the subject application. First, the Montena publication was filed on July 15, 2004, more than five months after the filing of this application on February 4, 2004. Second, it is noted that the inventor of the Montena Publication is one of the inventors of this application and is commonly assigned with the subject application to John Mezzalingua Associates, Inc. of East Syracuse, NY. Therefore, under 35 U.S.C. § 103(c), the Montena publication cannot be used as a 102 (e), (f) or (g) prior art reference to reject the pending claims. Without the Montena publication as the primary prior art reference, it is respectfully submitted that claims 3, 6, 7, 9, 10, 13, and 14 are also patentable.

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Consequently, the thrust bearing limitation of claims 6 and 10 have been added to claims 1 and 8, respectively, which render claims 3 and 13 duplicative. Claims 3, 6, 10 and 13 thus have been cancelled. Claim 4 has been amended to depend from claim 2 and claim 11 has been amended to depend from claim 9.


In summary, Applicant submits that the pending claims, as amended, are now in an allowable condition and such allowance is earnestly solicited.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

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